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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,377	05/22/2000	James J. Hickman	215177-00101	2330

27160 7590 07/06/2006

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EXAMINER

ALLEN, MARIANNE P

ART UNIT	PAPER NUMBER
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1647

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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09-575-377

EXAMINER

ART UNIT

PAPER

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## Commissioner for Patents

The amendment filed on 4/26/06 again presents only claims drawn to a non-elected invention and is again considered non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because independent claim 51 has been amended to be directed to a method that is independent or distinct from the invention originally claimed and elected. The remaining claims ultimately depend from claim 51. Claims 51-72 are not readable on the elected invention because the originally claimed and elected invention was directed to a method for identifying one or more ion channels of a cell that may be affected by a test substance. The method steps in originally presented and elected claim 24 were contacting a substance to be tested with a device, collecting data on the action potential (or the one or more characteristics thereof, or one or more changes therein) and determining from said data the one or more ion channels that are affected by the test substance. While the preamble of claim 51 as amended in the response filed 4/28/06 is the same, the steps are not. The steps are exposing a test substance to a system, performing deconvolution analysis, and classifying said test substance into one or more functional categories by reference to a data library formed by testing known compounds in said system. The steps of these two methods are substantially different and require non-coextensive non-patent literature searches. Note that the present claims have no steps regarding identifying one or more ion channels as set forth in the preamble. The present claims are directed to a conceptually different invention from that originally claimed and elected. None of the originally filed claims is similar to the present method claims.

Applicant is advised that failure to present claims directed to the elected invention in the next response will not be considered a bona fide attempt to reply. Applicant is further cautioned against introducing new matter into the claims.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Marianne P. Allen  
Primary Examiner  
Art Unit: 1647

6/29/06